

Urgent Decisions Committee	
Meeting Date	27 th June 2025
Report Title	Highsted Inquiry - Additional Costs
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Joanne Johnson Head of Place
Classification	Part Open / Part Exempt
Recommendations	<ol style="list-style-type: none"> 1. That Members note the additional estimated costs for the Highsted Inquiry; 2. That Members agree that the balance of the additional costs be drawn from reserves, should officers be unable to find compensatory in-year savings. 3. That Members endorse all Contract Standing Orders (procurement) waivers necessary to enable the timely procurement of the required services;

1 Purpose of Report and Executive Summary

- 1.1 This paper considers the additional costs likely to be incurred by Swale Borough Council following what is expected to be a twelve-day extension of the Highsted Inquiry.
- 1.2 Given that additional expenditure (if agreed) is required in-year, it proposes:
 - Officers seek compensatory savings in 25/26 to as far as possible mitigate the additional costs
 - Members agree the balance is drawn from reserves.

2 Background

- 2.1 The Highsted Park planning applications (referred to as Land to the West of Teynham and Land South and East of Sittingbourne - references 21/503906/EIOUT and 21/503914/EIOUT respectively) were called in by the Secretary of State on 7th November 2024.
- 2.2 Both applications were recommended by officers for refusal, for a range of reasons as set out in the officer reports.
- 2.3. Whilst the decision-making powers no longer sat with Swale Borough Council, the Planning Committee due to consider the applications went ahead, to enable the

member voice to be represented at the Inquiry. Members supported the officer recommendations unanimously

- 2.4. The recovered applications were scheduled for Public Inquiry, to be sat in four separate sittings lasting a total of twelve weeks across March – July 2025.
- 2.5. The Council has no budget for Public Inquiries, and no planning budget suitably sized to accommodate such costs.
- 2.6. On this basis, on 20th December 2024, the Urgent Decisions Committee met to agree the approach to the Inquiry and the related costs.
- 2.7. On 12th June, the Planning Inspector indicated that the Highsted Inquiry might need to be extended by two weeks. It had become apparent in recent days that it was taking longer than expected to hear evidence and for witnesses to be cross-examined. The Highways evidence in particular was taking longer than foreseen. The Inspector deemed additional time was required to robustly examine highway costs, scheme viability, and to consider the S106 legal agreement and conditions.
- 2.8. On 20th June, twelve additional days were scheduled, with the Inquiry now due to conclude on 31st October.
- 2.9. The additional sitting time incurs costs that are outside of the budget agreed by the Urgent Decisions Committee, so further member consideration is required.

3 Proposals

- 3.1 That Members note the additional estimated costs for the Highsted Inquiry;
- 3.2 That Members agree that the balance of the additional costs be drawn from reserves, should officers be unable to find compensatory in-year savings.
- 3.3 That Members endorse all Contract Standing Orders (procurement) waivers necessary to enable the timely procurement of the required services;

4 Alternative Options Considered and Rejected

- 4.1 The exempt appendix to this report (Appendix 1) sets out the costs and alternative options available.

5 Consultation Undertaken or Proposed

- 5.1 Quotes and fee estimates have been sought for additional representation and support. They will be provided verbally at the meeting.
- 5.2 No further consultation would be appropriate for this type of report.

6 Implications

Issue	Implications
Corporate Plan	<p>Robustly putting the case of the Council to the Inquiry will contribute to ensuring homes and jobs are delivered in line with providing the right homes and employment opportunities in the right places.</p> <p>If the Secretary of State does grant planning permission it is important to ensure the Borough's priorities, including in relation to the environment, health and housing are met through negotiating adequate conditions and planning obligations to mitigate the impacts of the development.</p>
Financial, Resource and Property	<p>The Urgent Decisions Committee agreed in December 2024 to allocate funds to the Inquiry. Putting forward the Council's case has significantly impacted the Council's finances.</p> <p>The Council is now required to host the Inquiry over an additional period and this will exacerbate this, both in terms of actual costs (e.g. Legal representation), but also the officer time required to prepare for, support and service the Inquiry.</p> <p>There will be consequences in terms of meeting room availability for other purposes.</p>
Legal, Statutory and Procurement	<p>Involvement in the Inquiry will require the drafting of section 106 agreements that would be secured as part of any planning permission issued by the Secretary of State for the related sites.</p> <p>Without this, affordable housing and other infrastructure such as health care facilities and schools needed to mitigate the impacts of the development would not be secured if planning permission was granted.</p> <p>The Council has secured legal representation in putting forward the Council's case to the Inquiry for the original Inquiry period.</p> <p>External consultants required as witnesses have been procured through the Council's procurement protocols.</p>
Crime and Disorder	No implications identified at this stage.
Environment and Climate/Ecological Emergency	The Council's case to the Inquiry being agreed would mean development in the countryside and harmful ecological impacts are avoided. Should the Secretary of State grant permission it is important that adequate conditions and planning obligations are

	secured to mitigate the impacts of the development (including reductions in carbon emissions).
Health and Wellbeing	The Council's case to the Inquiry being agreed would help to direct development to more sustainable locations. Should the Secretary of State grant permission it is important that adequate conditions and planning obligations are secured to mitigate the impacts of the development (including securing sports facilities, open space and ensuring provision is made for additional health care facilities to meet the demands of the development).
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	Robustly putting forward the Council's case to the Inquiry reduces the risks associated with costs associated with unreasonable behaviour (which can be awarded where reasons for refusal are not defended). Should the Secretary of State grant permission it is important that adequate conditions and planning obligations are secured to mitigate the impacts of the development, including remediation of contaminants.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:

Appendix I: **EXEMPT**. Additional Highsted Inquiry Costs – Options and Estimates

8 Background Documents

- 8.1 Reports to the Planning Committee – [7th November 2024](#)
- 8.2 Report to the Urgent Decisions Committee – [20th December 2025](#).